

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MASON TENDERS DISTRICT COUNCIL ::
WELFARE FUND, PENSION FUND, ANNUITY ::
FUND, and TRAINING PROGRAM FUND, and ::
JOHN J. VIRGA, in his fiduciary capacity as Director, ::

Plaintiffs, ::

-against- ::

SHROID CONSTRUCTION INC. ::
and MICHAEL MCGARRY, ::

Defendants. ::
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Index No. 07 Civ 9298 (DC)

**STIPULATION
OF DISMISSAL WITH
PREJUDICE**

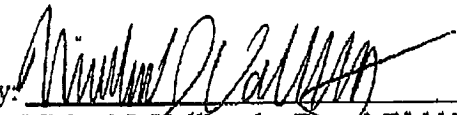
IT IS HEREBY STIPULATED AND AGREED by and between counsel for the Plaintiffs MASON TENDERS DISTRICT COUNCIL WELFARE FUND, PENSION FUND, ANNUITY FUND, and TRAINING PROGRAM FUND, and JOHN J. VIRGA, in his fiduciary capacity as Director and counsel for the Defendant, MICHAEL MCGARRY that the above captioned matter is hereby dismissed with prejudice as to the Defendant MICHAEL MCGARRY only pursuant to the provisions of Rule 41 of the Federal Rules of Civil Procedure without costs, disbursements or attorneys' fees being assessed against any party.


This stipulation may be executed in counterpart originals and facsimile signatures shall be deemed to be original signatures. This stipulation may be filed with the Court without further notice.

Dated: New York, New York
December 16, 2007

GORLICK, KRAVITZ & LISTHAUS, P.C.

ANDREW GREENE & ASSOCIATES, P.C.

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